

**Adams, Hope**

**From:** Kate Lee Mixson <kmixson@selcsc.org>  
**Sent:** Tuesday, March 16, 2021 1:39 PM  
**To:** Stark, David; Heather Smith; J. Ashley Cooper; willmiddleton@parkerpoe.com; Nelson, Jeff; Grube-Lybarker, Carri; Hall, Roger; jwkuykendall@jwklegal.com; Ledford, Peter-energync; tspeer@turnerpadget.com; Pittman, Jenny; robsmith@mvalaw.com; Mustian, Ben; bdurant@sowelldurant.com; Rebecca J. Dulin; Bateman, Andrew  
**Cc:** PSC\_Contact  
**Subject:** Re: [EXTERNAL] Re: DEC/DEP Solar Choice Tariff Cases Procedural Matters (2020-264-E and 2020-265-E)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Stark,

Yes, this witness order is acceptable to SACE, CCL, and UF.

Thank you.

**Kate Lee Mixson**  
*Staff Attorney*  
**Southern Environmental Law Center**  
 525 East Bay St., Suite 200  
 Charleston, SC 29403  
 t: 843-619-4613 | f: 843.414.7039  
[www.SouthernEnvironment.org](http://www.SouthernEnvironment.org)



**From:** Stark, David <david.stark@psc.sc.gov>  
**Sent:** Tuesday, March 16, 2021 12:02:15 PM  
**To:** Kate Lee Mixson; Heather Smith; J. Ashley Cooper; willmiddleton@parkerpoe.com; Nelson, Jeff; Grube-Lybarker, Carri; Hall, Roger; jwkuykendall@jwklegal.com; Ledford, Peter-energync; tspeer@turnerpadget.com; Pittman, Jenny; robsmith@mvalaw.com; Mustian, Ben; bdurant@sowelldurant.com; Rebecca J. Dulin; Bateman, Andrew  
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I want to be sure that I am clear on the proposed witness order – both for this party and others.

With the understanding the parties have agreed to present direct testimony separate from rebuttal testimony, I would like to clarify that SACE/CCL wants to present the Rebuttal of Finley in the Rebuttal Phase, Beach Direct Testimony in the Direct Phase, and Moore Surrebuttal in the Rebuttal Phase.

**I have put together what I understand is the total proposed witness order (see attached).**

Please confirm or correct this order if it is incorrect.

Regards,  
David Stark

**From:** Kate Lee Mixson <kmixson@selcsc.org>

**Sent:** Wednesday, March 10, 2021 4:56 PM

**To:** Heather Smith <heather.smith@duke-energy.com>; Stark, David <david.stark@psc.sc.gov>; J. Ashley Cooper <ashleycooper@parkerpoe.com>; willmittleton@parkerpoe.com; Nelson, Jeff <jnelson@ors.sc.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Hall, Roger <RHall@scconsumer.gov>; jwkuykendall@jwklegal.com; Ledford, Peter <peter@energync.org>; tspeer@turnerpadget.com; Pittman, Jenny <jpittman@ors.sc.gov>; robsmith@mvalaw.com; Mustian, Ben <BMustian@ors.sc.gov>; bdurant@sowelldurant.com; Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; Bateman, Andrew <abateman@ors.sc.gov>

**Cc:** PSC\_Contact <Contact@psc.sc.gov>

**Subject:** Re: [EXTERNAL] Re: DEC/DEP Solar Choice Tariff Cases Procedural Matters (2020-264-E and 2020-265-E)

Mr. Stark,

SACE, CCL, and Upstate Forever propose the following witness order, which also includes joint witness Tom Beach (who will testify on behalf of SACE, CCL, Upstate Forever, NCSEA, and SEIA):

- 1) Edward Finley (Rebuttal)
- 2) Tom Beach (Direct)
- 3) Eddy Moore (Surrebuttal)

We will notify the hearing officer and other parties promptly should that order change prior to the hearing.

Thank you,

**Kate Lee Mixson**

*Staff Attorney*

**Southern Environmental Law Center**

525 East Bay St., Suite 200

Charleston, SC 29403

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**From:** Smith, Heather Shirley <[Heather.Smith@duke-energy.com](mailto:Heather.Smith@duke-energy.com)>

**Sent:** Wednesday, March 10, 2021 3:07:25 PM

**To:** Stark, David; J. Ashley Cooper; [willmittleton@parkerpoe.com](mailto:willmittleton@parkerpoe.com); Nelson, Jeff; Grube-Lybarker, Carri; Hall, Roger; [jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com); Ledford, Peter-energync; Kate Lee Mixson; [tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com); Pittman, Jenny; [robsmith@mvalaw.com](mailto:robsmith@mvalaw.com); Mustian, Ben; [bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com); Dulin, Rebecca Jean; Bateman, Andrew

**Cc:** PSC\_Contact

**Subject:** RE: [EXTERNAL] Re: DEC/DEP Solar Choice Tariff Cases Procedural Matters (2020-264-E and 2020-265-E)

Dear Hearing Officer Stark:

Given the complex technical and legal issues surrounding this case, the Companies propose brief opening and closing statements by counsel, not to exceed 3 minutes each. The Companies believe this will allow for a more efficient process as it will allow the parties to summarize the legal and factual components of the case to be supported by the witnesses.

Due to the complex and technical issues associated with this case, DEC and DEP submits its plan to put up the rebuttal witnesses of Huber, Harris, Hager and Faruqui individually after the direct testimony of the other parties. The Companies believe it is important that these witnesses' responsive testimony be heard after the testimony to which they are responding.

Accordingly, the witness order proposed by the Companies for their witnesses is as follows:

**Direct Phase:**

George Brown (only prefiled direct)  
Leigh Ford (consolidated direct and rebuttal)  
Lon Huber (direct and supplemental)  
Brad Harris (direct)

**Rebuttal Phase:**

Janice Hager  
Brad Harris  
Ahmad Faruqui  
Lon Huber

Thank you,

***Heather Shirley Smith***

Deputy General Counsel

Duke Energy

40 W. Broad Street, Suite 690

Greenville, SC 29601

864.370.5045 office

[heather.smith@duke-energy.com](mailto:heather.smith@duke-energy.com)

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**From:** Stark, David <[david.stark@psc.sc.gov](mailto:david.stark@psc.sc.gov)>

**Sent:** Thursday, March 4, 2021 9:25 AM

**To:** Smith, Heather Shirley <[Heather.Smith@duke-energy.com](mailto:Heather.Smith@duke-energy.com)>; J. Ashley Cooper <[ashleycooper@parkerpoe.com](mailto:ashleycooper@parkerpoe.com)>; [willmiddleton@parkerpoe.com](mailto:willmiddleton@parkerpoe.com); Nelson, Jeff <[jnelson@ors.sc.gov](mailto:jnelson@ors.sc.gov)>; Grube-Lybarker, Carri <[clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)>; Hall, Roger <[RHall@scconsumer.gov](mailto:RHall@scconsumer.gov)>; [jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com); Ledford, Peter-energync <[peter@energync.org](mailto:peter@energync.org)>; [klee@selcsc.org](mailto:klee@selcsc.org); [tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com); Pittman, Jenny <[jpittman@ors.sc.gov](mailto:jpittman@ors.sc.gov)>; [robsmith@mvalaw.com](mailto:robsmith@mvalaw.com); Mustian, Ben <[BMustian@ors.sc.gov](mailto:BMustian@ors.sc.gov)>; [bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com); Dulin, Rebecca Jean <[Rebecca.Dulin@duke-energy.com](mailto:Rebecca.Dulin@duke-energy.com)>; Bateman, Andrew <[abateman@ors.sc.gov](mailto:abateman@ors.sc.gov)>

Cc: PSC\_Contact <[Contact@psc.sc.gov](mailto:Contact@psc.sc.gov)>

Subject: [EXTERNAL] Re: DEC/DEP Solar Choice Tariff Cases Procedural Matters (2020-264-E and 2020-265-E)

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Thank you all for the information.

March 10th is appropriate for the witness order and virtual plan, as Mr. Middleton points out.

-David Stark

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From: Bateman, Andrew <[abateman@ors.sc.gov](mailto:abateman@ors.sc.gov)>

Sent: Thursday, March 4, 2021 8:59:53 AM

To: Stark, David <[david.stark@psc.sc.gov](mailto:david.stark@psc.sc.gov)>; Heather Smith <[heather.smith@duke-energy.com](mailto:heather.smith@duke-energy.com)>; J. Ashley Cooper <[ashleycooper@parkerpoe.com](mailto:ashleycooper@parkerpoe.com)>; [willmittleton@parkerpoe.com](mailto:willmittleton@parkerpoe.com) <[willmittleton@parkerpoe.com](mailto:willmittleton@parkerpoe.com)>; Nelson, Jeff <[jnelson@ors.sc.gov](mailto:jnelson@ors.sc.gov)>; Grube-Lybarker, Carri <[clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)>; Hall, Roger <[RHall@scconsumer.gov](mailto:RHall@scconsumer.gov)>; [jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com) <[jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com)>; [peter@energync.org](mailto:peter@energync.org) <[peter@energync.org](mailto:peter@energync.org)>; [klees@selcsc.org](mailto:klees@selcsc.org) <[klees@selcsc.org](mailto:klees@selcsc.org)>; [tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com) <[tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com)>; Pittman, Jenny <[jpittman@ors.sc.gov](mailto:jpittman@ors.sc.gov)>; [robsmith@mvalaw.com](mailto:robsmith@mvalaw.com) <[robsmith@mvalaw.com](mailto:robsmith@mvalaw.com)>; Mustian, Ben <[BMustian@ors.sc.gov](mailto:BMustian@ors.sc.gov)>; [bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com) <[bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com)>; Heather Smith <[heather.smith@duke-energy.com](mailto:heather.smith@duke-energy.com)>; Rebecca J. Dulin <[Rebecca.Dulin@duke-energy.com](mailto:Rebecca.Dulin@duke-energy.com)>; J. Ashley Cooper <[ashleycooper@parkerpoe.com](mailto:ashleycooper@parkerpoe.com)>; [willmittleton@parkerpoe.com](mailto:willmittleton@parkerpoe.com) <[willmittleton@parkerpoe.com](mailto:willmittleton@parkerpoe.com)>; Grube-Lybarker, Carri <[clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)>; Hall, Roger <[RHall@scconsumer.gov](mailto:RHall@scconsumer.gov)>; [jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com) <[jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com)>; [peter@energync.org](mailto:peter@energync.org) <[peter@energync.org](mailto:peter@energync.org)>; [klees@selcsc.org](mailto:klees@selcsc.org) <[klees@selcsc.org](mailto:klees@selcsc.org)>; [tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com) <[tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com)>; Nelson, Jeff <[jnelson@ors.sc.gov](mailto:jnelson@ors.sc.gov)>; Pittman, Jenny <[jpittman@ors.sc.gov](mailto:jpittman@ors.sc.gov)>; [jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com) <[jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com)>; Mustian, Ben <[BMustian@ors.sc.gov](mailto:BMustian@ors.sc.gov)>; [bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com) <[bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com)>

Cc: PSC\_Contact <[Contact@psc.sc.gov](mailto:Contact@psc.sc.gov)>

Subject: RE: DEC/DEP Solar Choice Tariff Cases Procedural Matters (2020-264-E and 2020-265-E)

Mr. Stark,

ORS does not expect this hearing to exceed the two days scheduled.

Thank you,

Andrew

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From: Stark, David <[david.stark@psc.sc.gov](mailto:david.stark@psc.sc.gov)>

Sent: Wednesday, March 3, 2021 12:05 PM

To: Heather Smith <[heather.smith@duke-energy.com](mailto:heather.smith@duke-energy.com)>; J. Ashley Cooper <[ashleycooper@parkerpoe.com](mailto:ashleycooper@parkerpoe.com)>; [willmittleton@parkerpoe.com](mailto:willmittleton@parkerpoe.com); Nelson, Jeff <[jnelson@ors.sc.gov](mailto:jnelson@ors.sc.gov)>; Grube-Lybarker, Carri <[clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)>; Hall, Roger <[RHall@scconsumer.gov](mailto:RHall@scconsumer.gov)>; [jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com); [peter@energync.org](mailto:peter@energync.org); [klees@selcsc.org](mailto:klees@selcsc.org); Bateman, Andrew <[abateman@ors.sc.gov](mailto:abateman@ors.sc.gov)>; [tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com); Pittman, Jenny <[jpittman@ors.sc.gov](mailto:jpittman@ors.sc.gov)>; [robsmith@mvalaw.com](mailto:robsmith@mvalaw.com); Mustian, Ben <[BMustian@ors.sc.gov](mailto:BMustian@ors.sc.gov)>; [bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com); Heather Smith <[heather.smith@duke-energy.com](mailto:heather.smith@duke-energy.com)>; Rebecca J. Dulin <[Rebecca.Dulin@duke-energy.com](mailto:Rebecca.Dulin@duke-energy.com)>; J. Ashley Cooper <[ashleycooper@parkerpoe.com](mailto:ashleycooper@parkerpoe.com)>; [willmittleton@parkerpoe.com](mailto:willmittleton@parkerpoe.com); Bateman, Andrew <[abateman@ors.sc.gov](mailto:abateman@ors.sc.gov)>; Grube-Lybarker, Carri <[clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)>; Hall, Roger <[RHall@scconsumer.gov](mailto:RHall@scconsumer.gov)>; [jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com); [peter@energync.org](mailto:peter@energync.org); [klees@selcsc.org](mailto:klees@selcsc.org); [tspeer@turnerpadget.com](mailto:tspeer@turnerpadget.com); Nelson, Jeff <[jnelson@ors.sc.gov](mailto:jnelson@ors.sc.gov)>; Pittman, Jenny <[jpittman@ors.sc.gov](mailto:jpittman@ors.sc.gov)>; [jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com); Mustian, Ben <[BMustian@ors.sc.gov](mailto:BMustian@ors.sc.gov)>; [bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com)

Cc: PSC\_Contact <[Contact@psc.sc.gov](mailto:Contact@psc.sc.gov)>

Subject: DEC/DEP Solar Choice Tariff Cases Procedural Matters (2020-264-E and 2020-265-E)

Parties:

I hope this finds you well. As we are approaching our hearing date, there are a few procedural matters that need to be handled regarding Docket Nos. 2020-264-E and 2020-265-E, the DEC and DEP Solar Choice Tariff cases.

First, I would ask that everyone complete the following virtual plan, so our IT personnel can get you the required information for the hearing:

<https://www.surveymonkey.com/r/2ZJPW5W>

Please be sure to complete the survey (linked above) by close of business Friday, 3/5/21. Also – please let me know if you do, or do not, need or desire a virtual test.

Second, I note that the Commission has scheduled two days for this hearing. Due to recent experiences, I would like to inquire if the parties could give me a sense of whether the parties expect that additional time needs to be allocated for the purpose of this proceeding, or whether the parties feel as though two days may be sufficient? Obviously, I understand the dynamic nature of litigation, but I am just trying to get a sense of whether additional time may be necessary to enable the Commission to plan accordingly.

As always, if there are procedural issues that I need to address, please let me know. I will do all that I can to facilitate an efficient proceeding.

Thanks and Regards,

David Stark

Attorney

South Carolina Public Service Commission

[david.stark@psc.sc.gov](mailto:david.stark@psc.sc.gov)